

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In Re:

MICHAEL BELTRAMO,

Debtor.

Case No. 7 05-18105-MA

**MOTION FOR TO COMPEL CHAPTER 7 TRUSTEE TO ABANDON CERTAIN  
PROPERTY OF THE ESTATE**

COMES NOW, Debtor, Michael Beltramo, by and through his counsel, Law Offices of Ron Holmes (Ron Holmes), and for his Motion states as follows:

1. Debtor filed a Chapter 7 Bankruptcy on September 23, 2005.
2. The Chapter 7 Trustee, Philip J. Montoya, filed an Individual Estate Property Record and Report Asset Cases.
3. On January 9, 2006, Order Discharging Debtor was entered with the Court.
4. The Chapter 7 Trustee has taken no action regarding certain property following the discharge which was over a year ago.
5. Debtor is the record owner of multiple pieces of real property, to wit:
  - i. 2109 La Veta NE, Albuquerque, NM - value of approx. \$100,000.00 with debt of \$92,639.67 as of Petition date.
  - ii. 2120 La Veta NE, Albuquerque, NM - value of approx. \$130,000.00 with debt of \$115,917.00 as of Petition date.
  - iii. 4822 Commanche NE, Albuquerque, NM - value of approx. \$115,000.00 with debt of \$97,261.00 as of Petition date.

iv. 1721 Figueroa NE, Albuquerque, NM (Debtor's residence) - value of approx.

\$145,500.00 with debt of \$142,347.00 as of the Petition date

6. Debtor is continuing to pay mortgage payments on the two La Veta properties and the Figueroa property.

7. The Chapter 7 Trustee has not listed any of the above properties nor has he filed an Application to Employ a Real Estate Professional for any of the above properties.

8. The property located at 1721 Figueroa NE is Debtor's principal residence and the equity in the property is exempt.

9. The property located at 4822 Commanche was sold prepetition on a Real Estate Contract and the contract is in default. Debtor has not had the authority to terminate the contract because of the Trustee's involvement. Time is of the essence and the Debtor needs to remove the purchaser and terminate the contract. The purchasers has not paid in five months and the contract was scheduled to balloon in August 2006.

10. Debtor and the Trustee have litigated the issue of Debtor's claimed exemptions which has now been resolved.

11. After deducting costs of sale, repairs and Debtor's exemptions, all four properties are of inconsequential value, and the properties should be abandoned under 11 U.S.C. §554.

12. It is unfair to the Debtor to continue to maintain the property and incur costs for maintaining the properties.

13. Nothing in this motion should be construed to dispute the Trustee's right and obligation to administer the property located at 9420 Wilshire NE, Albuquerque, New Mexico.

WHEREFORE, Debtor respectfully requests this Court under the authority of 11 U.S.C. §554 to compel the Chapter 7 Trustee to abandon the following properties:

- i. 2109 La Veta NE, Albuquerque, NM
- ii. 2120 La Veta NE, Albuquerque, NM
- iii. 4822 Commanche NE, Albuquerque, NM
- iv. 1721 Figueroa NE, Albuquerque, NM (Debtor's residence)

as being burdensome or of insonsequential value and benefit to the estate and any such further relief as the Court deems just and proper.

Respectfully submitted,

**LAW OFFICES OF RON HOLMES**

Electronically Filed

By Ron Holmes

Attorney For Debtor

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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was electronically transmitted to the following:

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on this 20<sup>th</sup> day of January, 2007.

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Ron Holmes, Esq.

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